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KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.

MICHAEL K. KELLOGG
PETER W. HUBER
MARK C. HANSEN
K. CHRIS TODD
MARK L. EVANS
STEVEN F. BENZ
NEIL M. GORSUCH
GEOFFREY M. KLINEBERG
REID M. FIGEL

SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3209

(202) 326-7900

FACSIMILE:
(202) 326-7999

HENK BRANDS
SEAN A. LEV
EVAN T. LEO
ANTONIA M. APPS
MICHAEL J. GUZMAN
AARON M. PANNER
DAVID E. ROSS
SILVIJA A. STRIKIS
RICHARD H. STERN, OF COUNSEL

February 8, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Room TW-B204
Washington, DC 20554

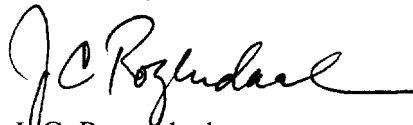
Re: ET Docket No. 98-206; RM-9147; RM-9245; Applications of Broadwave USA, et al., PDC Broadband Corporation, and Satellite Receivers, Ltd., to provide a fixed service in the 12.2 – 12.7 GHz Band.

Dear Ms. Salas:

Pursuant to 47 C.F.R. § 1.1206, enclosed are 12 copies – two for each docket or RM number file and for each of the three application files listed above – of a letter regarding Satellite Receivers' failure to respond to a questionnaire from MITRE Corporation. The letter was submitted *ex parte* to the Office of Engineering and Technology on February 8, 2001.

I have also enclosed an additional copy. Please date-stamp and return it in the self-addressed envelope provided. Thank you for your assistance in this matter.

Yours truly,


J.C. Rozendaal

Enclosures

No. of Copies rec'd 0+12
A B C D E

KELLOGG, HUBER, HANSEN, TODD & EVANS, P.L.L.C.

MICHAEL K. KELLOGG
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MARK C. HANSEN
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HENK BRANDS
SEAN A. LEV
COURTNEY SIMMONS ELWOOD
EVAN T. LEO
ANTONIA M. APPS
MICHAEL J. GUZMAN
AARON M. PANNER
DAVID E. ROSS
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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

VIA HAND DELIVERY

Mr. Bruce Franca, Acting Chief
Office of Engineering and Technology
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Satellite Receivers' Failure to Respond to MITRE Questionnaire,
*Ex Parte***

Dear Mr. Franca:

I write on behalf of Northpoint Technology, Ltd., and its Broadwave USA affiliates (collectively, "Northpoint"), to call your attention to the recent failure of Satellite Receivers, Ltd. ("Satellite Receivers") to furnish technical information sought by the MITRE Corporation ("MITRE") in connection with the statutorily mandated testing of Satellite Receivers' technology for terrestrial service in the 12.2-12.7 GHz band (the "12 GHz band").

As you know, section 1012 H.R. 5548 (enacted on December 21, 2000, as part of Pub. L. 106-553) requires the FCC to provide for "an independent technical demonstration of any terrestrial service technology proposed by any entity that has filed an application to provide terrestrial service in the direct broadcast satellite frequency band to determine whether the terrestrial service technology proposed to be provided by that entity will cause harmful interference to any direct broadcast satellite service."

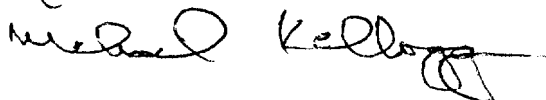
In fulfillment of this statutory obligation, the Commission has engaged MITRE to conduct the required independent testing of the technology proposed by each applicant seeking permission to provide terrestrial service. MITRE has, in turn, asked each applicant to fill out a questionnaire describing the technology it proposes to use.

Bruce Franca
February 8, 2001
Page 2

In a letter dated January 31, 2001 (attached hereto as exhibit A), Satellite Receivers provided a copy of its application for service but declined to supply responses to the remaining questions in MITRE's questionnaire. Satellite Receivers took the position that "the FCC should set the technical standards for MVDDS and the applicants will then provide the service within those parameters." Ex. A, at 1.

Satellite Receivers' suggestion that the Commission should set the technical parameters for terrestrial service in lieu of Satellite Receivers' providing a proposed technology turns the statute on its head. Section 1012 specifically obliges each applicant to come forward with its proposed technology for testing to ensure that its technology does not interfere with Direct Broadcast Satellite ("DBS") service. Satellite Receivers' refusal to come forward with technology of its own is a tacit admission that it has no technology capable of providing terrestrial service in the 12 GHz band without causing harmful interference to the DBS operators. For this reason and the reasons set forth in Northpoint's previous filings, Satellite Receivers is not qualified for a license to provide terrestrial service in the 12 GHz band.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Kellogg", with a stylized flourish at the end.

Michael K. Kellogg

IRWIN, CAMPBELL & TANNENWALD, P.C.

ATTORNEYS AT LAW
1730 RHODE ISLAND AVENUE, N.W.
SUITE 200
WASHINGTON, D.C. 20036-3101
(202) 728-0400
FAX (202) 728-0354
www.ictpc.com

NATHANIEL J. HARDY
(202) 728-0401 Ext. 126
nhardy@ictpc.com

January 31, 2001

VIA COURIER

James W. Marshall, Principal Engineer
Network and Communications Engineering
The MITRE Corporation
Mail Stop W650
1820 Dolley Madison Blvd.
McLean, Virginia 22102-3481

Re: Response to MVDDS Questionnaire

Dear Mr. Marshall:

Satellite Receivers, Ltd. ("Satellite Receivers"), by and through its attorney, submits the following response to the Multichannel Video Distribution and Data Service ("MVDDS") Questionnaire distributed by The MITRE Corporation ("MITRE") in relation to the testing of the operation of MVDDS in the Ku-Band.

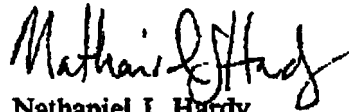
Enclosed herein is Satellite Receivers original application to provide MVDDS as filed with the Federal Communications Commission (the "FCC"). Satellite Receivers refrains from supplying responses to the remaining questions in the Questionnaire. Satellite Receivers has maintained in this proceeding that the FCC should set the technical standards for MVDDS and the applicants will then provide the service within those parameters. Satellite Receivers intends to use off-the-shelf, commercially available telecommunications equipment to provide MVDDS once the technical standards are established.

Mr. James W. Marshall
January 31, 2001
Page 2

Satellite Receivers believes that MITRE has the capability and experience to initially establish these standards and has confidence in the FCC's choice of MITRE as the independent testing organization for this proceeding.

Satellite Receivers contact person for technical issues is David Charles, President of the company. Mr. Charles may be reached by mail at Satellite Receivers, Ltd., 1740 Cofrin Drive, Green Bay, Wisconsin 54302 and by phone at (920) 432-5777.

Cordially yours,


Nathaniel J. Hardy

Enclosure

njh:B9000L.028.wpd[1/31/01]

CERTIFICATE OF SERVICE

I, Shannon Thrash, hereby certify that on this 8th day of February, 2001, copies of the foregoing letter was served by hand delivery or first-class United States mail, postage prepaid, on the following:

Bruce Franca*
Rebecca Dorch*
Michael J. Marcus*
Office of Engineering and Technology
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, D.C. 20554

James W. Marshall, Principal Engineer
Network and Communications
Engineering
The MITRE Corporation
Mail Stop W650
1820 Dolly Madison Blvd.
McLean, Virginia 22102-3481

Nathaniel J. Hardy, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Ave, N.W.
Suite 200
Washington, D.C. 20036-3101

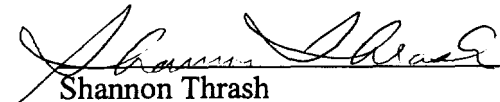
Counsel to Satellite Receivers, Ltd.

Bruce Jacobs, Esq.
David C. Oxenford, Esq.
Shaw Pittman
2300 N. St., N.W.
Washington, D.C. 20037
Counsel to PDC Broadband Corp.

Pantelis Michalopoulos, Esq.
Steptoe & Johnson, L.L.P.
1330 Connecticut Ave., N.W.
Washington, D.C. 20036
Counsel to Echostar Satellite Corp.

James H. Barker, III, Esq.
Latham & Watkins
1001 Pennsylvania Ave., N.W.
Suite 1300
Washington, D.C. 20004-2505
Counsel to DirecTV

* Denotes hand delivery


Shannon Thrash
Legal Assistant